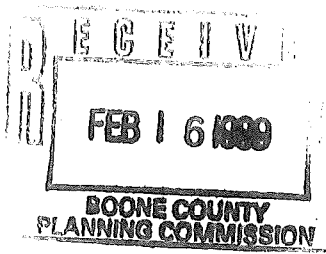


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. [X] Boone [ ] Florence [ ] Walton [ ] Union

(Check One)

- 2. [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use

3. Applicant's Name The Waterloo Holiness Church
Phone Number (pastor) 637-1239 Fax No. N/A
Applicant's Address (pastor) 1239 Carolina Trace
West Harrison, Indiana 47060
City State Zip

4. Description of Request: We want to remodel and add-on to our current church. (sunday school rooms)

5. Name of Development

6. Location of Development 9133 Beach Grove Rd Burlington, Ky

7. Acreage Under Review total of two acres

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property The Waterloo Holiness Church

Phone Number of Owner (James Baker - member of church) 586-8665 10.

Address of Property Owner Burlington, Ky 47005
City State Zip

11. Proposed Use(s) on Site Church building additions of Sunday school room

12. Total Square Footage of Existing and/or Proposed Buildings Existing 976 addition 1,316

13. Current Zoning on Property A-2 total 2,292

\* 14. Deed Book 714 Page No. 267 Group No. 2052

15. Is the site subject to a zone change? NO

If yes, give date of approval

16. Have you submitted a Site Plan with this request? NO

17. Have you submitted a list of adjoining property owners with this request? NO

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Pastor A Doyle Cornett

Property Owner's Signature: Pastor Cornett of Waterloo Holiness Church

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 2-16-99 Fee Received 470.00 R# 19477
2. Is application complete? Yes Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer KTB Lowry
4. Scheduled Board Action Date 3/10/99 6:30 PM.
5. Board Action:  
 Approved  
 **Approved with Conditions (See #6)**  
 Denial (See #7)
6. Conditions of Approval:  
Submit of a Site Plan for Staff Review Approval
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission**  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

APPLICANT: The Waterloo Holiness Church  
LOCATION: 9133 Beach Grove Road, Boone County, Kentucky  
ZONING: Agricultural Estate (A-2)  
Date: March 10, 1999

### Proposal

The applicant is requesting a Conditional Use Permit to allow an expansion of the existing church for Sunday School rooms. The Waterloo Holiness Church is located on a 2.0 acre site at 9133 Beech Grove Road, Boone County, Kentucky. The current zoning is Agricultural Estate (A-2). The applicant desires to remodel and add-on to the current church for the purpose of adding Sunday School rooms. The building is a one story, 976 square foot structure. The proposed addition is 1,316 square feet. The applicant submitted Exhibit A and Exhibit B as part of the application. Exhibit A is a survey plat of the church property. Exhibit B is a legal description of the property. The original application did not include a site plan or drawing showing the location of the proposed addition.

Article 6, Section 623 of the Boone County Zoning Regulations permits churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required) as Conditional Uses in Agricultural Estate (A-2) zoning districts.

The Waterloo Holiness Church is a pre-existing use. Article 2, Section 277 of the Boone County Zoning Regulations states that any pre-existing use which is permitted as a conditional use in a district under the terms of this order shall not be deemed a non-conforming use in such a district, but shall without further action be considered a conforming use. However, a Conditional Use Permit must be granted by the Board of Adjustment and Zoning appeals before such use can be expanded in size or scope.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 623 of the Boone County Zoning Regulations:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or

- b. the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and
- c. provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

### Surrounding Land Uses and Zoning

The property to the northwest and southeast is part of the same zoning as the Waterloo Holiness Church property which is Agricultural Estate (A-2). This zone extends along the south side of Beech Fork Road. All of the property on the north side of Beech Fork Road and the property to the southwest of the church is zoned Agriculture (A-1). A house and mobile home are located along Beech Fork Road to the southeast of the church. The remaining adjacent land is used for agricultural purposes.

### Staff Concerns/Comments

1. The existing church building is located only about three feet from the right-of-way of Beech Fork Road. The minimum front yard setback in the A-2 zone is 60 feet. In accordance with Section 271 of the Boone County Zoning Regulations, when an addition is proposed for a pre-existing structure that does not meet current setback requirements, the addition may be located along the nonconforming building line established by the existing structure, but may not encroach into such nonconforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals. The church lot currently meets the minimum 150 foot lot frontage requirement and the 25 foot rear yard and 10 foot side yard minimum setback requirements for the A-2 zone.
2. There is a steep bank located just southwest of the church and parking area which drops off to a pond and grazing area. While the church property is two acres, only a small portion of the site is located at the same approximate elevation as Beech Fork Road. The existing church, parking area and shed take up most of the usable land at this elevation.
3. The proposed addition of 1,316 square feet will more than double the size of the existing church building from its current size of 976 square feet to a total of 2,292 square feet. Due to the topographic limitations of the site, it is not clear where this addition or additions would be located.
4. In accordance with Section 3325 of the Boone County Zoning Regulations, churches and other places of religious assembly are required to have 1.00 parking spaces per five seats. The paved parking area is not striped so it could not be determined how many spaces are available. The current and proposed seating capacity of the church is not known, therefore it could not be determined if adequate parking is available.
5. If the Conditional Use Permit is approved, a Site Plan will be required to be submitted and approved by the Planning Commission staff.

### Conclusion

KRS 100.237 and Section 277 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit to allow expansion of the existing Waterloo Holiness Church. However, without a site plan showing topography, the proposed addition and other required information, the proposed use and its impact on public health, safety and welfare cannot be adequately evaluated.

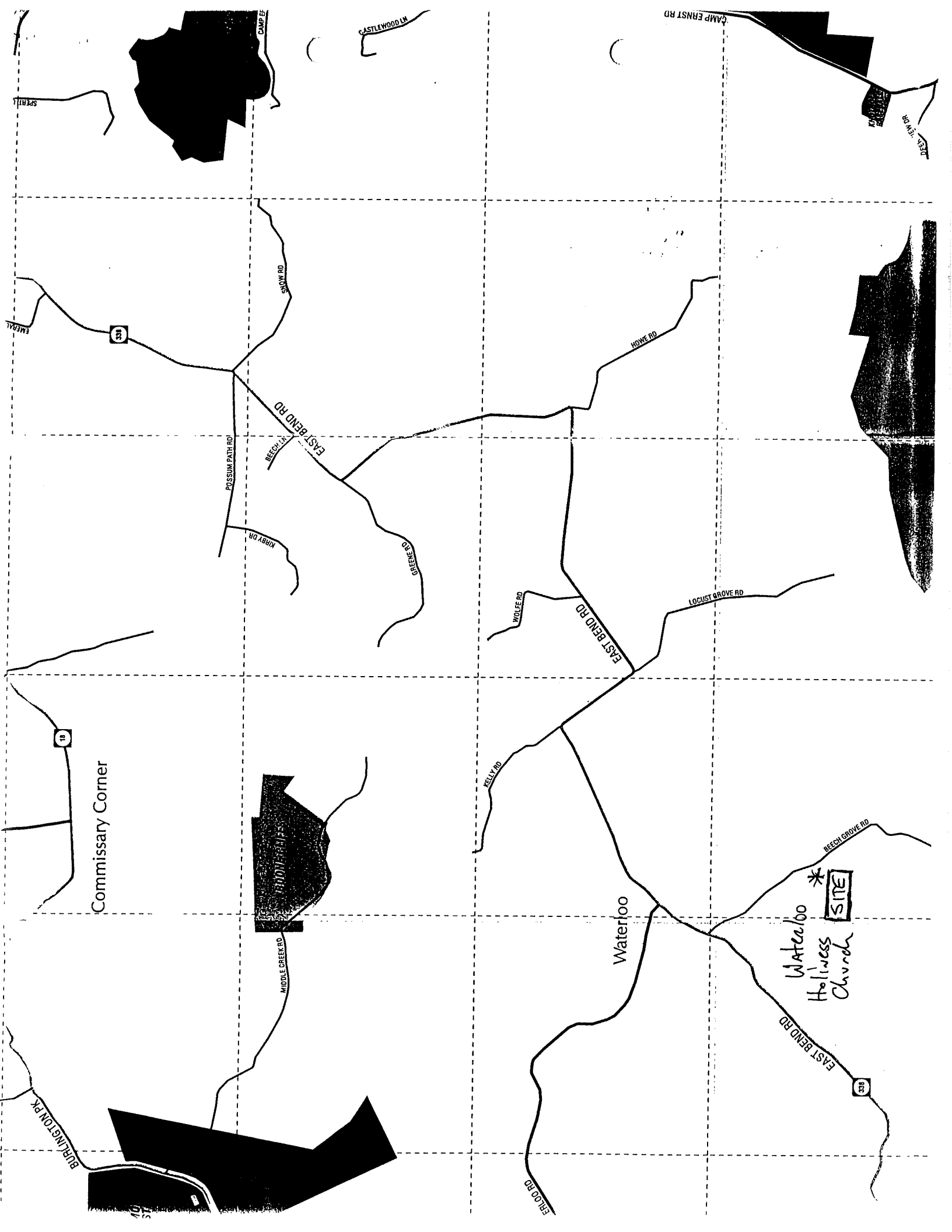
Respectfully submitted,



Kristen M. Lowry, AICP

### Attachments

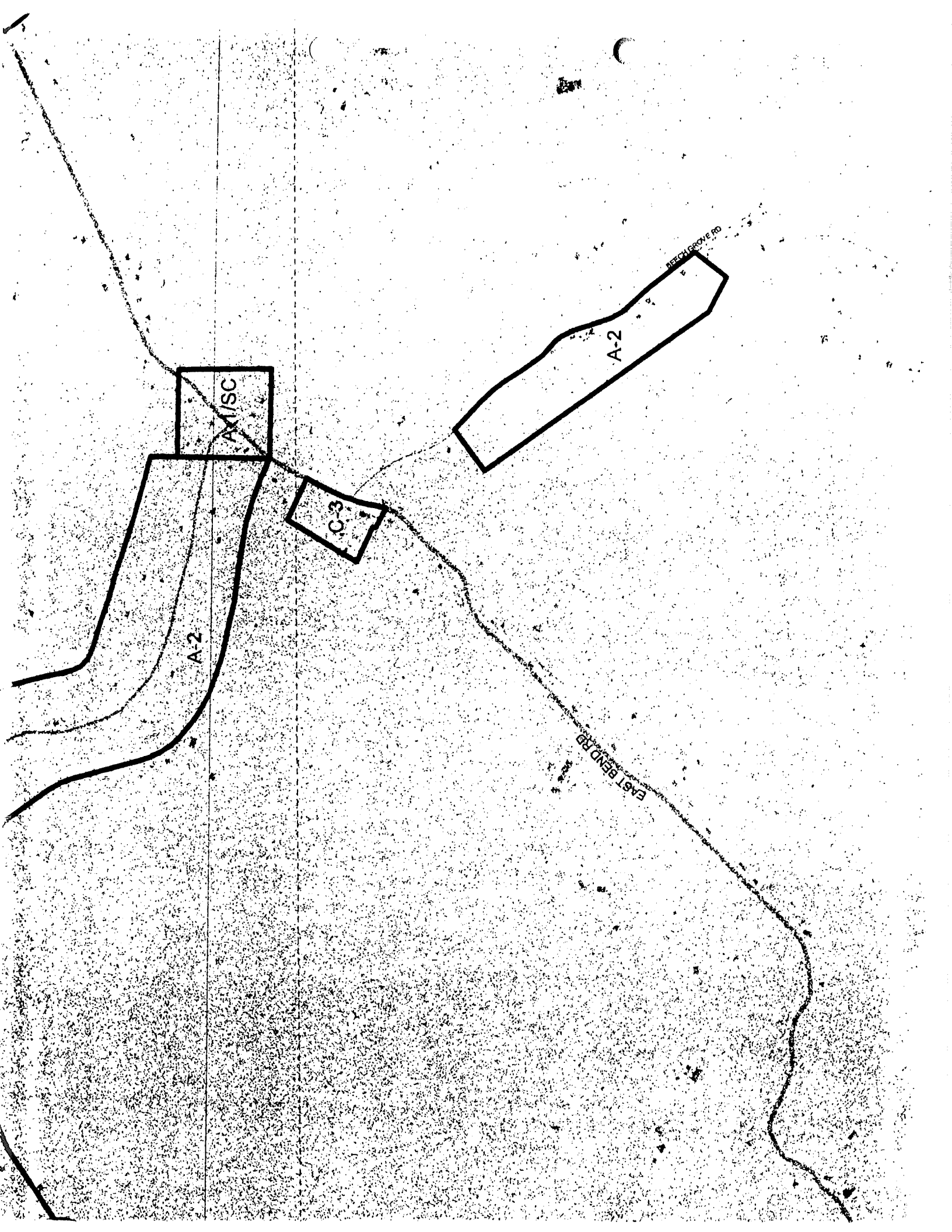
- Location Map
- Site Map
- Exhibit A
- Exhibit B



Commissary Corner

Waterloo

Waterloo \*  
Holiness Church  
SITE



A-1/SC

A-2

A-3

A-2

DECOLERONE RD

EAST BEND RD

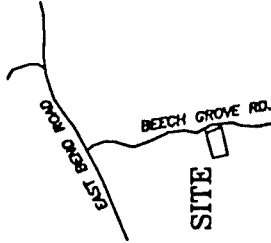
EX. "A"

BOOK 714 PAGE 269

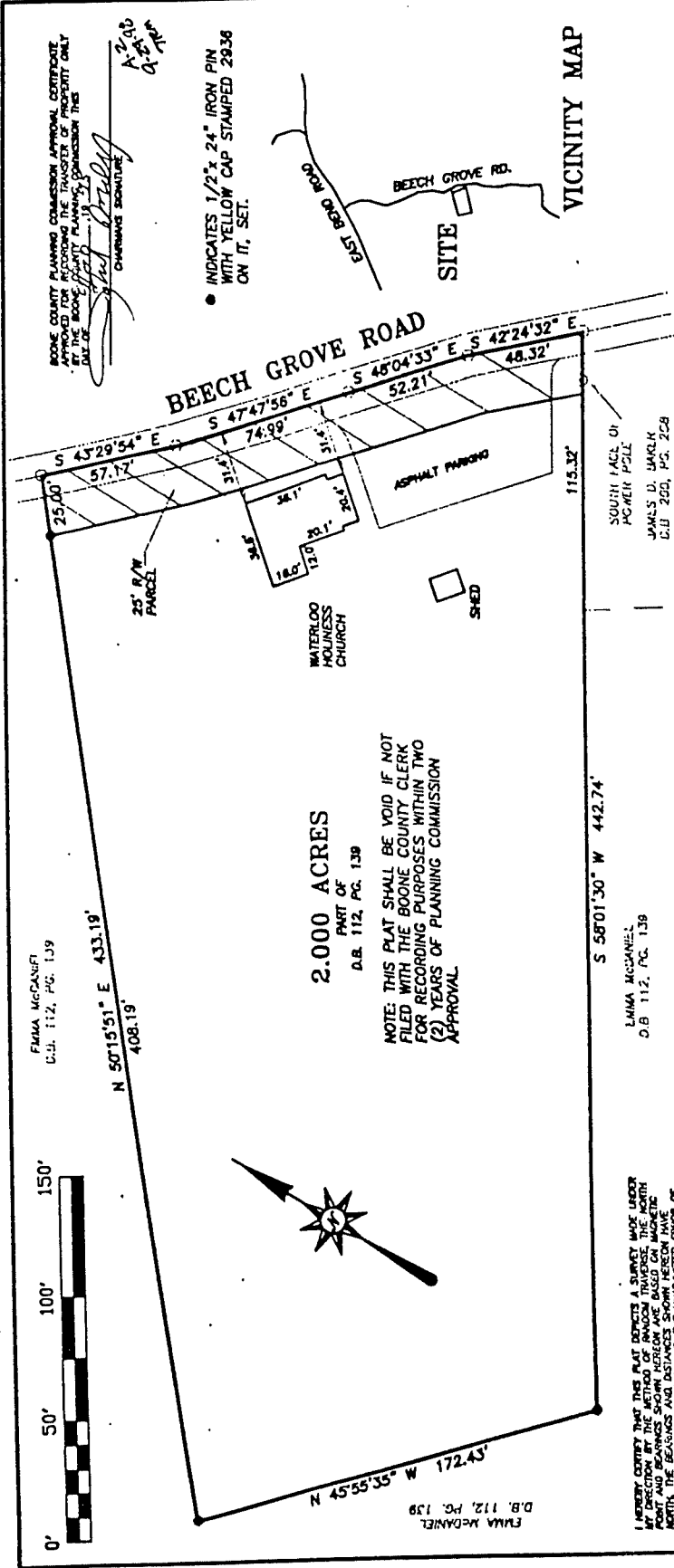
BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE  
APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY  
BY THE BOONE COUNTY PLANNING COMMISSION THIS  
DAY OF August 1998

*Emma McDaniel*  
CHAIRMAN SIGNATURE  
A-2-98  
Q-1-98

● INDICATES 1/2" x 24" IRON PIN  
WITH YELLOW CAP STAMPED 2936  
ON IT, SET.



VICINITY MAP



EMMA MCDANIEL  
D.B. 112, PG. 139

N 50°15'51" E 433.19'  
408.19'

2.000 ACRES  
PART OF  
D.B. 112, PG. 139

NOTE: THIS PLAT SHALL BE VOID IF NOT  
FILED WITH THE BOONE COUNTY CLERK  
FOR RECORDING PURPOSES WITHIN TWO  
(2) YEARS OF PLANNING COMMISSION  
APPROVAL

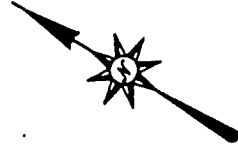
S 58°01'30" W 442.74'

EMMA MCDANIEL  
D.B. 112, PG. 139

WE HEREBY DO DENOTE THE RIGHT OF WAY OF 25.00 FEET  
AS SHOWN HEREON TO PART OF THE PARCELS  
SIGNATURE OF CHAIRMAN Emma McDaniel DATE 8-27-98

STATE OF KY  
COUNTY OF BOONE  
THE FOREGOING DOCUMENT WAS FORWARDED BEFORE ME  
THIS THE 27 DAY OF August, 1998  
NOTARY John P. Kelly  
COMMISSION EXPIRES 8-30-2001

P & Z Code No. 3223



I HEREBY CERTIFY THAT THIS PLAT REFLECTS A SURVEY MADE UNDER  
THE PROVISIONS OF THE ACT OF APRIL 20, 1820, AND THAT THE  
METHODOLOGY OF THE SURVEY IS IN ACCORDANCE WITH THE ACT OF  
APRIL 20, 1820, AND THAT THE METHOD OF RANDOM TRAVEL, THE NORTH  
POINT AND BEARINGS SHOWN HEREON ARE BASED ON THE STATE  
MERCATOR PROJECTION. I FURTHER CERTIFY THAT THE UNADJUSTED ERROR OF  
CLOSURE DOES NOT EXCEED THE UNADJUSTED ERROR OF CLOSURE  
ALLOTTED BY THE ACT OF APRIL 20, 1820, AND THAT THE SURVEY AND PLAT MEETS OR EXCEEDS THE  
STANDARD OF ACCURACY REQUIRED BY THE ACT OF APRIL 20, 1820, AND  
THAT THE SURVEY AND PLAT MEETS OR EXCEEDS THE STANDARD OF  
ACCURACY REQUIRED BY THE ACT OF APRIL 20, 1820.

JERRY L. CANNON, REG. NO. 2838  
DATE 8-12-98

I HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE  
COUNTY PLANNING COMMISSION AND THAT THIS IS THE THIRD  
CONFORMANCE MADE UNDER THE PRESENT DIMENSION AND THE  
ACT OF APRIL 20, 1820, AND THAT THE SURVEY AND PLAT MEETS OR  
EXCEEDS THE STANDARD OF ACCURACY REQUIRED BY THE ACT OF  
APRIL 20, 1820.

JERRY L. CANNON, REG. NO. 2838  
DATE 8-12-98

SURVEY FOR CONVEYANCE

EMMA MCDANIEL TO WATERLOO HOLINESS CHURCH

LOCATED ON THE WEST SIDE OF BEECH GROVE ROAD AND  
0.5 MILES SOUTH OF EAST BEND ROAD.  
BOONE COUNTY, KENTUCKY

CANNON SURVEYING  
32 BROADWAY, P.O. BOX 214, DRY RIDGE, KENTUCKY 41035  
606-824-7488 FAX 606-824-0718


SCALE: 1" = 50'  
DATE: 8-12-98  
DWN BY: J.L.C.  
JOB NO.: 98-98C  
FILE NAME:

EX. "B"

LEGAL DESCRIPTION

Lying and being in Boone County, Kentucky on the west side of Beech Grove Road 0.5 miles south of East Bend Road and more particularly described as follows, to-wit: BEGINNING at a P.K. Nail set in the center of Beech Grove Road at the northeast corner of James Baker (D.B. 200, Pg. 208); thence with the north line of Baker S 58° 01' 30" W -- 442.74 feet to an iron pin set; thence continuing with new made lines partitioning Grantor's property N 45° 55' 35" W -- 172.43 feet to an iron pin set; thence N 50° 15' 51" E -- 433.19 feet to a point in the center of said Beech Grove Road passing through an iron pin set 25.00 feet back; thence with the center of said Road S 43° 29' 54" E -- 57.17 feet; thence S 47° 47' 56" E -- 74.99 feet; thence S 48° 04' 33" E -- 52.21 feet; thence S 42° 24' 32" E -- 48.32 feet to the place of beginning containing 2.000 Acres more or less exclusive of all right of ways and easements of record.

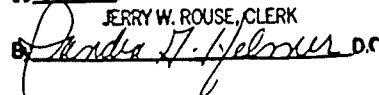
The above description is in accordance with a survey made by me on August 12, 1998.

  
 Jerry A. Cannon  
 Registered Land Surveyor  
 Lic. No. 2936

This being a part of the property described in Deed Book 112, Page 139 of the Boone County Court Clerk's Records at Burlington, Kentucky.

State of Kentucky, County of Boone  
 JERRY W. ROUSE, Clerk of the Boone County  
 Court, do certify that the foregoing  
~~Deed~~ was, on the 26 day of Oct

1998 at 3:04 PM, lodged in my office  
 for record, and that it has been duly recorded  
 in my said office, together with this and the  
 certificate thereon endorsed.  
 Given under my hand this 26 day of Oct  
 1998

JERRY W. ROUSE, CLERK  


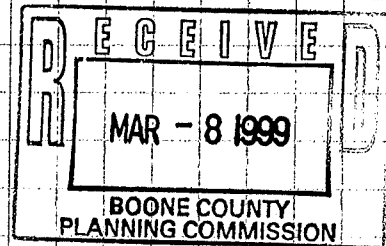
The Waterloo Holiness Church

Pastor Doug Cornett  
637-1239

Trustee Bobby Nunn  
586-0105

Trustee James Perry  
643-5644

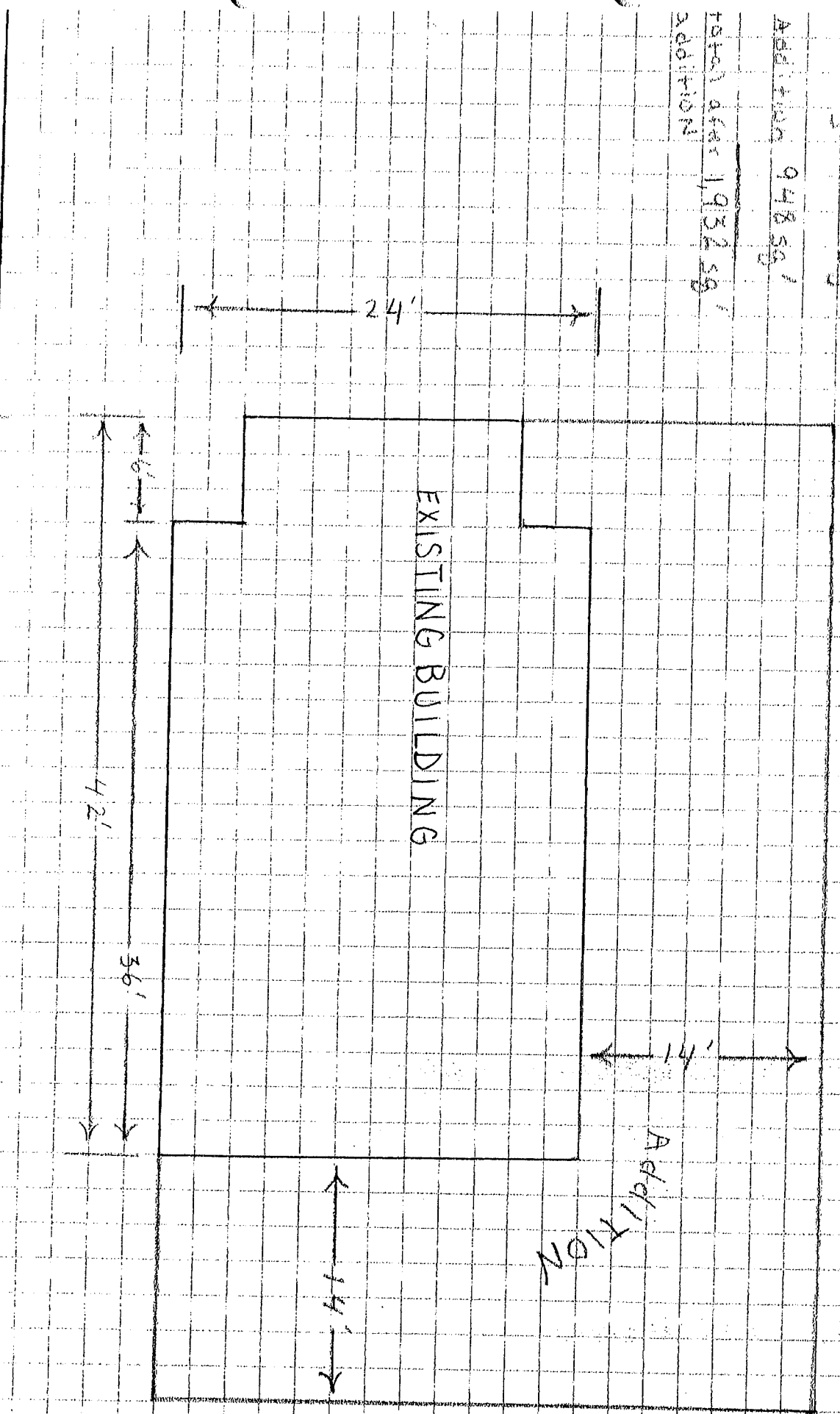
Contractor and Church Member  
James Baker 586-8665



EXISTING 984 sq ft

ADDITION 948 sq ft

total after addition 1,932 sq ft



Beach Grove Rd

Rt 338

COPY

CLUR # 99-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

The Waterloo Holiness Church  
9133 Beach Grove Rd.  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

9133 Beach Grove Rd.  
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

The Waterloo Holiness Church

DEED BK.: 714

PAGE NO.:267

GROUP NO.: 2052

4. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: From      To            Conditional Use Permit

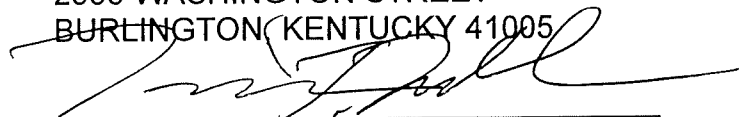
Development Plan       Conditional Zoning

Subdivision Plat (Not Recorded)       Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005



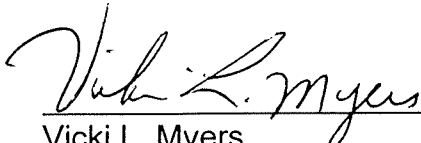
SIGNATURE OF COMPLETING OFFICIAL

Kevin T. Wall, AICP/CDT, Director of Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY


COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Kevin T. Wall behalf of the  
Boone County Planning Commission this 12<sup>th</sup> day of April 1999.

  
\_\_\_\_\_  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 1999

This instrument was prepared for recording purposes only by:

  
\_\_\_\_\_  
Teresa L. Mitchell  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of March 10, 1999 Certificate of Land Use Restriction (# 99-BCBOA-003-A), for The Waterloo Holiness Church, Property Owners.

The following conditions will apply: 1). That a site plan be submitted that conforms to the Zoning Ordinance.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 714

PAGE NO. 267

Group No. 2052